

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-388-RJC
(3:08-cr-12-RJC-4)

DANTE DILLARD,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

THIS MATTER is before the Court on Petitioner's Motion to Vacate under 28 U.S.C. § 2255, (Doc. No. 1), in which he seeks § 2255 relief under Johnson v. United States, 135 S.Ct. 2551 (2015). Also pending is Respondent's Motion to Hold Petitioner's Motion to Vacate in Abeyance, (Doc. No. 3).

Petitioner argues in his § 2255 Motion to Vacate that his conviction pursuant to § 924(c) is invalid and he was improperly sentenced as a career offender. The Court ordered the Government to respond to the § 2255 petition, however, it moved to stay these proceedings until the Fourth Circuit Court of Appeals resolves United States v. Ali, Case No. 15-4433, and United States v. Simms, Case No. 15-4640, and the United States Supreme Court resolves Beckles v. United States, Case No. 15-8544. The Government argues that the issues Petitioner has raised in his Motion to Vacate have also been raised in Ali, Simms, and Beckles so that those cases may be dispositive of Petitioner's claim. Petitioner's counsel does not object to the Motion. (Doc. No. 6 at 3).

The stay will be granted with regards to Ali and Simms and denied as moot as to Beckles, which the Supreme Court has already resolved. See Beckles v. United States, 137 S.Ct. 886 (2017).

IT IS HEREBY ORDERED that

1. Respondent's Motion to Hold Petitioner's Motion to Vacate in Abeyance, (Doc. No. 3), is **GRANTED** with regards to Ali and Simms and **DENIED** as moot with regards to Beckles. The Government shall have 60 days following the Fourth Circuit's issuance of the mandate in Ali or Simms, whichever occurs first, to file its Response.

Signed: July 11, 2018



Robert J. Conrad, Jr.
United States District Judge